

1
2
3
4
5

6 IN THE UNITED STATES DISTRICT COURT

7
8

FOR THE NORTHERN DISTRICT OF CALIFORNIA

9

MEI-FANG LISA ZHANG, et al.

10

Plaintiffs,

No. C 07-04946 JSW

11

v.

**ORDER STAYING ACTION AS
TO DEFENDANT MOLLY LAU**

12

WEI-MAN RAYMOND TSE, et al.

13

Defendants.

14

On October 30, 2007, this Court received a letter dated October 23, 2007, from Defendant, Private First Class Molly Lau (“PFC Lau”), in which she advised the Court that she is a member of the United States Army currently serving in an overseas tour in Korea and requested that the Court stay this action pursuant to the Servicemember’s Civil Relief Act, 50 App. U.S.C. § 522.

20

On November 7, 2007, this Court issued an Order to Show Cause as to why this action should not be stayed either in part, as to PFC Lau, or in its entirety. On November 29, 2007, the Court extended the deadline by which responses to that Order to Show Cause would be due until December 21, 2007.

24

The Court has received Plaintiffs’ response to the Order to Show Cause, in which they state they do not oppose a 90 day stay as to PFC Lau but do oppose a stay as to the other Defendants.¹ No other responses have been received.

27

28

¹ Plaintiffs note that PFC Lau did not include a letter or other communication from her commanding officer with her request for a stay. *See* 50 App. U.S.C. § 522(b)(2)(B). PFC Lau, however, did submit a document setting forth her orders, which does not suggest that she would be authorized for military leave. In light of the Plaintiffs’ lack of opposition to a 90 day stay, the Court shall not deny the request based on any

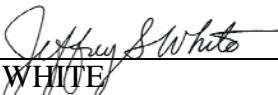
1 Having considered the Plaintiffs' position, and there being no response from any
2 Defendant, the Court finds good cause to grant the 90 day stay as to PFC Lau. If PFC Lau
3 requests a further stay, she shall submit a request for further stay pursuant to 50 App. U.S.C. §
4 522(d).

5 At this stage, the Court cannot say that allowing the action to proceed against the other
6 Defendants would prejudice PFC Lau. Therefore, at this time, the Court shall not stay the
7 action in its entirety. If in the future, it appears to PFC Lau or to this Court, that permitting the
8 action to proceed against the other Defendants will result in prejudice to PFC Lau, the Court
9 shall revisit this decision.

10 Plaintiffs are FURTHER ORDERED to serve a copy of this Order on all Defendants and
11 to file proof of such service with the Court.

12 **IT IS SO ORDERED.**

13
14 Dated: January 2, 2008

15 
16 JEFFREY S. WHITE
17 UNITED STATES DISTRICT JUDGE

18
19
20
21
22
23
24
25
26
27
28 technical defects in the application. However, all future requests shall strictly comply with
the provisions of 50 App. U.S.C. § 522.